

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

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Jeremiah Danley, #256950,

2009 AUG 12 P 2:48

Petitioner,

v.

Warden Wateree Correctional
Institution,

Respondent.

Civil Action No. 0:08-2006-SB

ORDER

This matter is before the Court on the *pro se* Petitioner's request for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Pursuant to Local Rule 73.02(B)(2)(a), this matter was referred to a United States Magistrate Judge for preliminary review.

On July 23, 2009, the Magistrate Judge issued a report and recommendation ("R&R"), analyzing the issues and recommending that the Court grant the Respondent's motion for summary judgment. Attached to the R&R was a notice advising the Petitioner that he may file specific, written objections to the R&R within ten days after being served with a copy. To date, no written objections have been filed.

Absent timely objection from a dissatisfied party, a district court is not required to review, under a *de novo* or any other standard, a Magistrate Judge's factual or legal conclusions. Thomas v. Arn, 474 U.S. 140, 150 (1985); Wells v. Shriner's Hosp., 109 F.3d 198, 201 (4th Cir. 1997). Here, because no objections have been filed, the Court need not conduct a *de novo* review of any portions of the R&R. Accordingly, after review the Court adopts the Magistrate Judge's R&R and finds the Petitioner's § 2254 petition untimely filed, and it is hereby

ORDERED that the Respondent's motion for summary judgment (Entry 22) is granted.

IT IS SO ORDERED.


The Honorable Sol Bratt, Jr.
Senior United States District Judge

August 12, 2007
Charleston, South Carolina